IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: PHILIPS RECALLED CPAP, :

BI-LEVEL PAP, AND MECHANICAL:

VENTILATOR PRODUCTS

This Document Relates to:

LITIGATION

Master Docket: Misc. No. 21-mc-1230-JFC

MDL No. 3014

SHORT FORM COMPLAINT FOR

: PERSONAL INJURIES, DAMAGES,

AND DEMAND FOR JURY TRIAL

Paul Fannin, Individually and as Administrator of

the Estate of Linda Fannin, Deceased

Plaintiff(s) incorporate(s) by reference the Amended Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial filed in *In re Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigation*, MDL No. 3014, Master Docket Misc. No. 21-mc-1230 (the "Master Long Form Complaint"). This Short Form Complaint adopts the allegations, claims, and requested relief as set forth in the Master Long Form Complaint. As necessary herein, Plaintiff(s) may include: (a) additional claims and allegations against Defendants; and/or (b) additional claims and allegations against other Defendants not listed in the Master Long Form Complaint.

Plaintiff(s) further allege(s) as follows:

I. **DEFENDANTS**

1. Plaintiff(s) name(s) the following Defendants in this action:

✓ Koninklijke Philips N.V.

✓ Philips North America LLC.

Philips RS North America LLC.

		✓ Philips Holding USA Inc.
		✓ Philips RS North America Holding Corporation.
		Polymer Technologies, Inc.
		✓ Polymer Molded Products LLC.
II. PLAINTIFF(S)		INTIFF(S)
	2.	Name of Plaintiff(s): Linda Fannin (deceased)
	3.	Name of spouse of Plaintiff (if loss of consortium claim is being made): Paul Fannin
	4.	Name and capacity (<i>i.e.</i> , executor, administrator, guardian, conservator, etc.) of other Plaintiff, if any: Paul Fannin, Individually and as Administrator of the Estate of Linda Fannin
	5.	State(s) of residence of Plaintiff(s) (if the Recalled Device user is deceased residence at the time of death): Kentucky
III.	DESI	GNATED FORUM
	6.	Identify the forum (United States District Court and Division) in which the Plaintiff would have filed in the absence of direct filing:
		United States District Court Eastern District of Kentucky Pikeville Division

IV. USE OF A RECALLED DEVICE

7. Plaintiff used the following Recalled Device(s):

E30 (Emergency Use Authorization)	Dorma 500
DreamStation ASV	REMstar SE Auto
DreamStation ST, AVAPS	Trilogy 100
SystemOne ASV4	Trilogy 200
C-Series ASV	Garbin Plus, Aeris, LifeVent
C-Series S/T and AVAPS	A-Series BiPAP Hybrid A30 (not marketed
OmniLab Advanced +	in U.S.)
SystemOne (Q-Series)	A-Series BiPAP V30 Auto
DreamStation	A-Series BiPAP A40
DreamStation Go	A-Series BiPAP A30
Dorma 400	✓ Other Philips Respironics Device; if other,
	identify the model:
	REMstar Plus (x2) and an unknown model
V. INJURIES	
	physical injuries as a result of using a Recalled ant symptoms and consequences associated
COPD (new or worsening)	
Asthma (new or worsening)	
✓ Asthma (new or worsening) ✓ Pulmonary Fibrosis	
<u> </u>	
Pulmonary Fibrosis Other Pulmonary Damage	
Pulmonary Fibrosis Other Pulmonary Damage	Inflammatory Response

VI.

	Heart Damage	
	✓ Death	
	Other (specify)	
CAU	SES OF ACTION/DA	AMAGES
9.	in the Master Long	hilips N.V., Plaintiff(s) adopt(s) the following claims asserted Form Complaint for Personal Injuries, Damages and Demand he allegations and prayer for relief with regard thereto, as set
	Count I:	Negligence
	Count II:	Strict Liability: Design Defect
	Count III:	Negligent Design
	✓ Count IV:	Strict Liability: Failure to Warn
	Count V:	Negligent Failure to Warn
	Count VI:	Negligent Recall
	Count VII:	Battery
	✓ Count VIII:	Strict Liability: Manufacturing Defect
	✓ Count IX:	Negligent Manufacturing
	Count X:	Breach of Express Warranty
	Count XI:	Breach of the Implied Warranty of Merchantability
	Count XII:	Breach of the Implied Warranty of Usability
	Count XIII:	Fraud
	✓ Count XIV:	Negligent Misrepresentation

✓ Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
✓ Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
asserted in the Maste	America LLC, Plaintiff(s) adopt(s) the following claims or Long Form Complaint for Personal Injuries, Damages and l, and the allegations and prayer for relief with regard thereto
✓ Count I:	Negligence
✓ Count II:	Strict Liability: Design Defect
✓ Count III:	Negligent Design
✓ Count IV:	Strict Liability: Failure to Warn
✓ Count V:	Negligent Failure to Warn
7	8 8
✓ Count VI:	Negligent Recall
✓ Count VI: ✓ Count VII:	
_	Negligent Recall

10.

Count X:	Breach of Express Warranty
✓ Count XI:	Breach of the Implied Warranty of Merchantability
✓ Count XII:	Breach of the Implied Warranty of Usability
✓ Count XIII:	Fraud
✓ Count XIV:	Negligent Misrepresentation
✓ Count XV:	Negligence Per Se
✓ Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
✓ Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
✓ Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
✓ Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
asserted in the Maste	orth America LLC, Plaintiff(s) adopt(s) the following claims or Long Form Complaint for Personal Injuries, Damages and l, and the allegations and prayer for relief with regard thereto,
✓ Count I:	Negligence
✓ Count II:	Strict Liability: Design Defect
✓ Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn

11.

✓ Count V:	Negligent Failure to Warn
✓ Count VI:	Negligent Recall
✓ Count VII:	Battery
✓ Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
✓ Count XVIII:	Loss of Consortium
✓ Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
✓ Count XXI:	Punitive Damages
Count XXII:	Other [specify below]

12.	As to Philips Holding USA Inc., Plaintiff(s) adopt(s) the following claims asserted in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial, and the allegations and prayer for relief with regard thereto, as set forth therein:			
	Count I:	Negligence		
	Count II:	Strict Liability: Design Defect		
	✓ Count III:	Negligent Design		
	✓ Count IV:	Strict Liability: Failure to Warn		
	Count V:	Negligent Failure to Warn		
	Count VI:	Negligent Recall		
	Count VII:	Battery		
	Count VIII:	Strict Liability: Manufacturing Defect		
	Count IX:	Negligent Manufacturing		
	Count X:	Breach of Express Warranty		
	Count XI:	Breach of the Implied Warranty of Merchantability		
	Count XII:	Breach of the Implied Warranty of Usability		
	Count XIII:	Fraud		
	Count XIV:	Negligent Misrepresentation		
	Count XV:	Negligence Per Se		
	Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law		
	✓ Count XVII:	Unjust Enrichment		
	Count XVIII:	Loss of Consortium		
	Count XIX:	Survivorship and Wrongful Death		
	Count XX:	Medical Monitoring		

Count XXI: Punitive Damages

Count XXII:	Other [specify below]
following claims a	North America Holding Corporation, Plaintiff(s) adopt(s) the seerted in the Master Long Form Complaint for Personal Injuries, and for Jury Trial, and the allegations and prayer for relief with set forth therein:
Count I:	Negligence
✓ Count II:	Strict Liability: Design Defect
Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn
✓ Count V:	Negligent Failure to Warn
Count VI:	Negligent Recall
✓ Count VII:	Battery
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XV:	Negligence Per Se

Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
✓ Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
asserted in the Mass Demand for Jury Tr	ster Long Form Complaint for Personal Injuries, Damages and
asserted in the Mas	ster Long Form Complaint for Personal Injuries, Damages and
asserted in the Mas Demand for Jury Tr as set forth therein:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto
asserted in the Mas Demand for Jury Tr as set forth therein: Count I:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto Negligence
asserted in the Mas Demand for Jury Tr as set forth therein: Count I: Count II:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto Negligence Strict Liability: Design Defect
asserted in the Mas Demand for Jury Tr as set forth therein: Count I: Count II: Count III:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto Negligence Strict Liability: Design Defect Negligent Design
asserted in the Mas Demand for Jury Tr as set forth therein: Count I: Count II: Count III: Count IV:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn
asserted in the Mas Demand for Jury Tr as set forth therein: Count I: Count II: Count III: Count IV: Count IV:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn
asserted in the Mas Demand for Jury Tr as set forth therein: Count I: Count II: Count IV: Count IV: Count IV: Count V:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect
asserted in the Mas Demand for Jury Tr as set forth therein: Count II: Count III: Count IV: Count IV: Count V: Count VIII: Count IX:	Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect Negligent Manufacturing
asserted in the Mas Demand for Jury Tr as set forth therein: Count I: Count II: Count III: Count IV: Count IV: Count V: Count VIII: Count IX: Count XIII:	ster Long Form Complaint for Personal Injuries, Damages and rial, and the allegations and prayer for relief with regard thereto Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect Negligent Manufacturing Fraud

Loss of Consortium
Survivorship and Wrongful Death
Medical Monitoring
Punitive Damages
Other [specify below]
ded Products LLC, Plaintiff(s) adopt(s) the following claims er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto
Negligence
Strict Liability: Design Defect
Negligent Design
Strict Liability: Failure to Warn
Negligent Failure to Warn
Strict Liability: Manufacturing Defect
Negligent Manufacturing
Fraud
Negligent Misrepresentation
Unjust Enrichment
Unjust Enrichment Loss of Consortium
•

Count XXII: Other [specify below] If additional claims against the Defendants identified in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial are alleged above, the additional facts, if any, supporting these allegations must be pleaded. Plaintiff(s) assert(s) the following additional factual allegations against the Defendants identified in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial: 1. 1/2 Plaintiff(s) contend(s) that additional parties may be liable or responsible for Plaintiff(s) damages alleged herein. Such additional parties, who will be hereafter referred to as Defendants, are as follows (must name each Defendant and its citizenship): 1. 1/2	Count XXI:	Punitive Damages
Complaint for Personal Injuries, Damages and Demand for Jury Trial are alleged above, the additional facts, if any, supporting these allegations must be pleaded. Plaintiff(s) assert(s) the following additional factual allegations against the Defendants identified in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial: n/a Plaintiff(s) contend(s) that additional parties may be liable or responsible for Plaintiff(s)' damages alleged herein. Such additional parties, who will be hereafter referred to as Defendants, are as follows (must name each Defendant and its citizenship):	Count XXII:	Other [specify below]
Complaint for Personal Injuries, Damages and Demand for Jury Trial are alleged above, the additional facts, if any, supporting these allegations must be pleaded. Plaintiff(s) assert(s) the following additional factual allegations against the Defendants identified in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial: n/a Plaintiff(s) contend(s) that additional parties may be liable or responsible for Plaintiff(s)' damages alleged herein. Such additional parties, who will be hereafter referred to as Defendants, are as follows (must name each Defendant and its citizenship):		
Plaintiff(s) contend(s) that additional parties may be liable or responsible for Plaintiff(s)' damages alleged herein. Such additional parties, who will be hereafter referred to as Defendants, are as follows (must name each Defendant and its citizenship):	Complaint for Perso above, the additional Plaintiff(s) assert(s) Defendants identified	onal Injuries, Damages and Demand for Jury Trial are alleged al facts, if any, supporting these allegations must be pleaded to the following additional factual allegations against the ed in the Master Long Form Complaint for Personal Injuries,
Plaintiff(s)' damages alleged herein. Such additional parties, who will be hereafter referred to as Defendants, are as follows (must name each Defendant and its citizenship):	n/a	
Plaintiff(s)' damages alleged herein. Such additional parties, who will be hereafter referred to as Defendants, are as follows (must name each Defendant and its citizenship):		
Plaintiff(s)' damages alleged herein. Such additional parties, who will be hereafter referred to as Defendants, are as follows (must name each Defendant and its citizenship):		
referred to as Defendants, are as follows (must name each Defendant and its citizenship):	. /	` ' · · · · · · · · · · · · · · · · · ·
n/a	referred to as Defe	<u> </u>
	n/a	

18. Plaintiff(s) assert(s) the following additional claims and factual allegations against other Defendants named in Paragraph 17 above:

n/a

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial and any additional relief to which Plaintiff(s) may be entitled.

Date: Aug 17 2023

/s/ Leslie M. Cronen

Leslie M. Cronen
Jennifer L. Thompson
Gary C. Johnson
GARY C. JOHNSON, PSC
918 Lily Creek Road, Suite 102
Louisville, KY 40243
lcronen@garycjohnson.com
jthompson@garycjohnson.com
gary@garycjohnson.com
502-398-3446